

Apr. 24, 2014

United States EPA
Chicago, Ill.

Gentlemen:

I have been approved by the local and state FSA and IVCRS on what was done on this property.

I talked to Greg Spencer and a group of attorneys on a three way phone conversation back in September of 2013 and they led me to believe everything was handled.

If there is anything more I need to do please contact me again because I am definitely not trying to get by with anything that could blemish my record with the FSA, NCRS, or EPA.

Thank you

Jim Diller

James Dillenberger
6664 A Rd
Valmeyer, Ill. 62295

Monroe County State's Attorney-Kris Reitz December 2, 2012
III, EPA

St. Louis Corps of Engineers
Harrisonville Levee and Drainage
Monroe County Farm Service Agency
Monroe County Natural Resources Conservation Service
Springfield Board of Appeals for Farm Service Agency

To whom it may concern;

I was completely surprised when I received the phone calls last week concerning my reclaiming of soil in Modoc Lake. I would never knowingly jeopardize my program payments with the FSA office. The only thing I was trying to do was to push back the treeline to where we had farmed previously. I did not think that you needed permission just to do that. This is the first time since the flood of 1993 that we had a chance to do that. My dad and I bought this farm in 1975. In 1976 we planted nearly half way across the lake. We pushed willow trees back on the shoreline in the drought of 1983 and 1988. At no time, just like now, are we trying to gain more farmland than we originally had. Ignorance of the law is no excuse, but that's probably what I will

have to claim here. In saying that,
I know I am basically at your mercy.
I am truly sorry and hope there
is some way to rectify this problem
to everybody's satisfaction.

Respectfully

James Dillenberger

Dillenberger Farms, Inc.

James Dillenberger (Pres)

United States Department of Agriculture



Natural
Resources
Conservation
Service

140 Williamsburg Lane
Waterloo, IL 62298

WAYNE JOHANNING
District Conservationist

Phone 618 939-6181, ext. 3
FAX 618 939-4647
www.il.nrcs.usda.gov

Email: Wayne.Johanning@il.usda.gov



U.S. Department of Agriculture
Farm Service Agency

Linda Mathews

County Executive Director.

Monroe County FSA Office
138 Williamsburg Lane
Waterloo, Illinois 62298

Phone: (618) 939-6181x102
Fax: (618) 939-4647

linda.mathews@il.usda.gov



United States Department of Agriculture
Farm Service Agency

February 09, 2011

Monroe County, IL

Farm: 4436

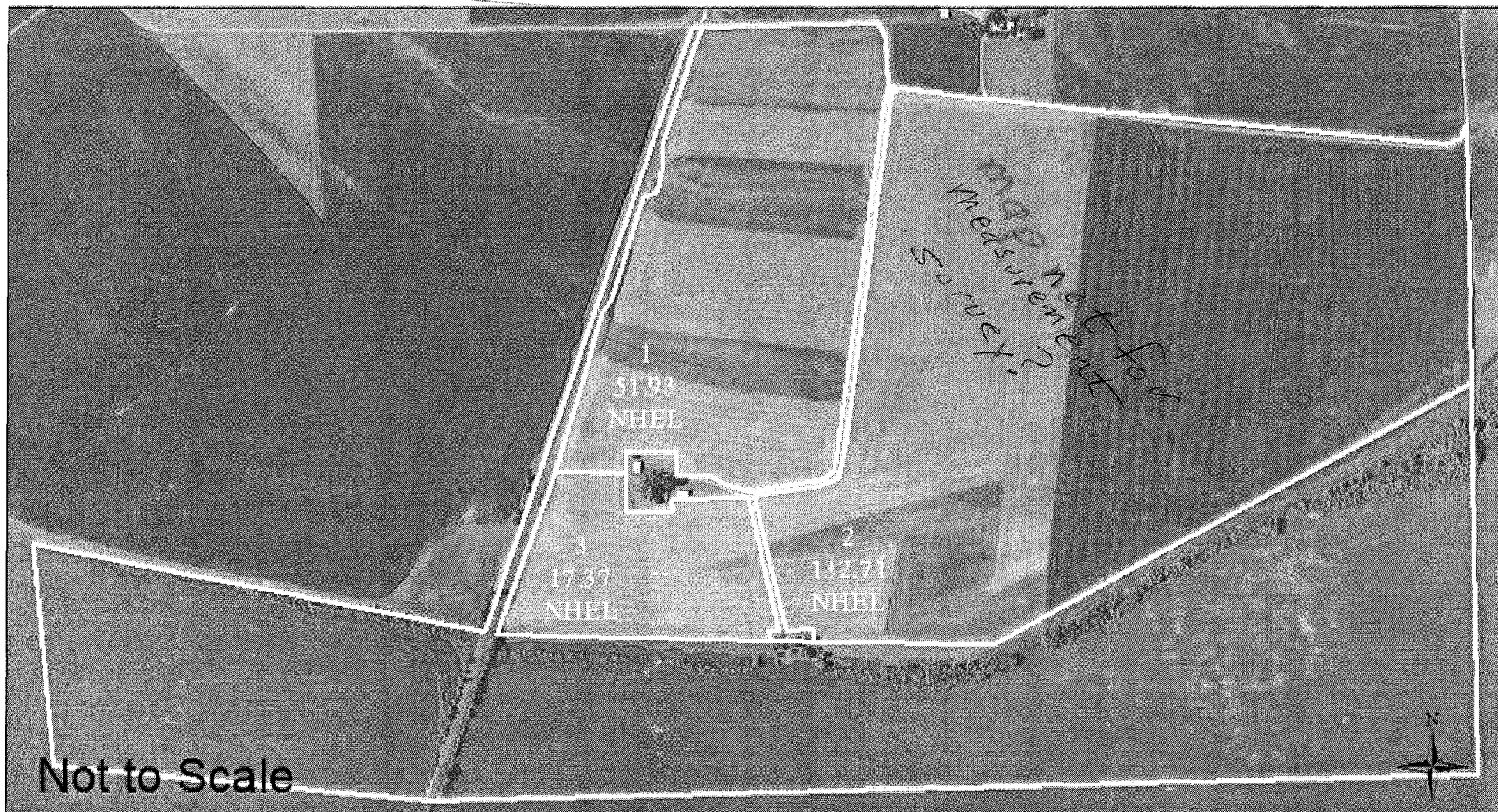
Tract: 10128

fsa_gis_layers.SDE.wet_p_il133

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.



United States Department of Agriculture
Farm Service Agency

February 09, 2011

Monroe County, IL

Farm: 4436
Tract: 10128

fsa_gis_layers.SDE.wet_p_il133
Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Schwarze, Lisa - FSA, Waterloo, IL

From: Mathews, Linda - FSA, Waterloo, IL
Sent: Thursday, December 19, 2013 3:34 PM
To: Johanning, Wayne - NRCS, Waterloo, IL
Cc: Schwarze, Lisa - FSA, Waterloo, IL
Subject: RE: Dillenberger CW


This should take care of it on our end. We will file a copy of this email with the 569 and move forward. Thanks!

From: Johanning, Wayne - NRCS, Waterloo, IL
Sent: Thursday, December 19, 2013 2:19 PM
To: Mathews, Linda - FSA, Waterloo, IL
Subject: Dillenberger CW

Linda,

I checked Jim Dillenberger's cypress tree planting this AM for his CW compliance. He has planted the 44 cypress tree seedlings. Is there anything else that you need for this?

Wayne Johanning
NRCS District Conservationist
140 Williamsburg Lane
Waterloo, IL 62298
Phone (618) 939-6181, ext. 3
Fax (618) 939-4647

 Natural Resources
Conservation Service

Helping People Help the Land
USDA is an equal opportunity provider and employer.

SHADYCREEK NURSERY AND GARDEN
201 CARL ST
COLUMBIA, IL 62236-1
618-281-7722

TERMINAL ID.: 0007920008016003595000
MERCHANT #: 8016003595

U.S.C. § 552(b)(6)

SWIPED

SALE
RECORD: 1
DATE: Dec 13, 13
BATCH: 000334
TRN: 1213143340

INV: 000001
TIME: 08:33

AUTH: 00244C

VISA TRAN ID: MM8P6MLC0

APPROVAL 00244C

TOTAL \$111.83

JAMES DILLENBERGER

CUSTOMER COPY

12/13/2013 8:33 AM

Sales Receipt #14255

SHADYCREEK
NURSERY AND GARDEN

Shadycreek Nursery & Garden

201 Carl Street
Columbia, IL 62236
(618) 281-7722

www.shadycreeknurserygarden.com

Cashier: Worm

| Item Name | Qty | Price | Ext Price |
|-----------------------|-----|-----------|-----------------|
| Cypress seedlings | 60 | \$1.75 | \$105.00 |
| | | Subtotal: | \$105.00 |
| Local Sales Tax | | 6.5 % Tax | + \$6.83 |
| RECEIPT TOTAL: | | | \$111.83 |

Credit Card: \$111.83

MasterCard

Guarantee lasts 90 days from day of purchase. One replacement only if plants installed by Shadycreek Nursery staff are guaranteed 100% for 1 year.
LABOR IS NOT GUARANTEED. No guarantees on items bought on "Specials" "Discounts" and "Sales".



14255

Received
DEC 23 2013
Monroe County FSA
Waterloo, IL



United States
Department of
Agriculture

Farm
Service
Agency

Monroe County FSA Office
138 Williamsburg Lane
Waterloo, IL 62298

May 13, 2013

Dillenger Farms
6664 A Road
Valmeyer, IL 62295

Dear Mr. Dillenger:

On May 9, 2013 we were notified that the State Executive Director Scherrie V. Giamanco and NRCS State Conservationist Ivan Dozier concurred with the Monroe County Committee's determination to approve good faith relief on the violation of the Conservation Compliance provisions as a result of converting wetlands on Tract 10128.

According to Handbook 6-CP (Rev. 4) paragraph 631A, an approved restoration or mitigation plan must be signed and approved before eligibility is reinstated. Based on the AD-1069 you agreed to and signed the mitigation agreement on March 15, 2013.

According to the mitigation plan you were to begin planting as soon as the ground can be worked in late winter or spring and **complete by May 15, 2013**. Therefore, please stop by the office to confirm that required actions have been completed and to complete a new Highly Erodible Land Conservation (HELCS) and Wetland Conservation (WC) Certification, AD-1026.

If you have any questions regarding this matter please stop by the office or contact us at (618) 939-6181 extension 2.

Sincerely,

Linda Mathews
County Executive Director
Monroe County FSA Office

Cc: Chad Dillenger
Jason Siburt
James F. & Susan H. Dillenger Rev. Trust



United States
Department of
Agriculture

Farm Service Agency
Illinois State Office
3500 Wabash Ave
Springfield, Illinois
62711-8287

☒ sent e-mail only
☐ sent e-mail & original

May 9, 2013
In reply refer to: CEPD:KAM

TO : Linda Mathews, CED
Monroe County FSA Office

FROM : Scherrie V. Giamanco, SED
Illinois State FSA Office

Received

MAY 10 2013

SUBJECT : WC Violation- Good Faith Relief and NRCS Technical Concurrence
Chad Dillenger, Jason Siburt, James F. & Susan H. Dillenger Trust,
and Dillenger Farms

State Executive Director Scherrie V. Giamanco concurred with the Monroe County Committee's determination to approve good faith relief for the subject producers. The subject producers were determined to be in violation of the Conservation Compliance provisions as a result of converting wetlands on Tract 10128.

NRCS State Conservationist Ivan Dozier notified this office that he concurs with the NRCS technical determinations. A copy of that concurrence is attached for your files.

According to Handbook 6-CP (Rev. 4) paragraph 631A, an approved restoration or mitigation plan must be signed and approved before eligibility is reinstated. Please ensure that Part D of the AD-1069 has been completed by NRCS personnel indicating the subject producers have agreed to and signed the restoration/mitigation agreements.

Follow the instructions in Handbook 6-CP, paragraph 305 for obtaining a new AD-1026 and paragraph 641 for updating the producer's eligibility file. If the producer is a multi-county producer, notify the applicable County Offices of the reinstatement of program eligibility.

Notify the subject producers immediately of the County Committee's and State Executive Director's determination to approve good faith relief and the State Conservationist's technical concurrence. Also ensure they understand reinstating eligibility for WC violators approved for relief under the good faith exemption becomes effective only when they sign an approved conservation and mitigation plan, as applicable.

If you have any questions, please contact the STO-CEPD. Also, notify them that you have received this memorandum so the STO files may be closed on this situation.

cc: DD Gvillo
NRCS State Conservationist

This form is available electronically.

AD-1069
(02-06-12)

U. S. DEPARTMENT OF AGRICULTURE
Farm Service Agency
Natural Resources Conservation Service

REQUEST FOR GOOD FAITH RELIEF
WETLAND CONSERVATION (WC) VIOLATION

1A. State Name

ILLINOIS

1B. County Name

MONROE

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 12 and the Food, Security Act of 1985 as amended. The information will be used to determine eligibility for program benefits. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility for program benefits.

This information collection is exempted from the Paperwork Reduction Act, as it is required for administration of The Food, Conservation, and Energy Act of 2008 (see Pub. L. 110-246) Title II, Subtitle J - Miscellaneous Conservation Provisions. The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. COMPLETE PART A AND RETURN THIS FORM TO YOUR LOCAL FSA OFFICE.

PART A - PRODUCER'S REQUEST

2. Name and Address of Producer (Including Zip Code):

DILLENBERGER FARMS
6664 A Rd
Valmeyer, IL 62295

3. Telephone No. (Including Area Code)

5 U.S.C. § 552(b)(6)

4. Tax Identification No. (last 4 digits)

3796

5. Farm No. With WC Violation

4436

6. Crop Year of Determination

2012

7. Request for a good faith determination. (State the circumstances surrounding the wetland activity for which a determination is requested. Include any evidence that the activities were performed in good faith and without intent to violate WC provisions and not as a scheme or device to avoid compliance.)

Also, will complete the restoration as required. Just was looking to push back trees to original farm line - See attached letter.

8A. Signature of Producer (By)

Dillon Farmer
by *Don Dillon (Pres)*

8B. Title/Relationship of the Individual

Signing in the Representative Capacity
Pres.

8C. Date (MM-DD-YYYY)

3/5/13

FSA COMPLETES

8. Date Referred to NRCS (MM-DD-YYYY)

3-15-2013

NOTE TO PRODUCER: Application for a good faith determination does not preclude the opportunity to exercise appeal rights according to notice given with regard to the IVC determination. If a good faith relief request is approved by the county committee with concurrence of the State Executive Director and NRCS, eligibility will not be restored until a mitigation agreement according to NRCS requirements is signed. The wetland must then be mitigated within the period required by NRCS.

PART B - NRCS INFORMATION

10. Describe any pertinent facts relating to the case that NRCS or the Soil and Water Conservation District have that may affect the COC determination:

Needs to implement restoration plan

11. Was the producer informed of the wetland determination made by NRCS through personal contact?

YES NO

☐ ☒

12. Does NRCS have knowledge that the producer was involved in a previous National, State, or local wetland violation issue?

☐ ☒

13. Did NRCS have a discussion at any time with the producer concerning the wetland before the activity occurred? If "YES", describe the situation:

☐ ☒

14A. Signature of NRCS Employee

Don Dillon

14B. Date (MM-DD-YYYY)

3-15-2013

15. Date Returned to FSA (MM-DD-YYYY)

3-15-2013

PART C - DETERMINATION BY COC AND CONCURRENCES

16. Based on information available, the COC determined that a good faith effort to comply without intent to violate:

☒ Was made by the producer. ☐ Was not made by the producer.

17. Reasons for the COC determination (Attach an additional sheet, if necessary). Producer was unaware that program prohibited pushing trees back to the original field boundary and is willing to restore the area of 2 acres.

18A. Signature of COC

Don Dillon

18B. Date Signed (MM-DD-YYYY)

3-15-13

19A. Signature of SED/DD for Concurrence

Shawn V. Ham

☒ Concur

☐ Do not concur

19B. Date Signed (MM-DD-YYYY)

4-29-2013

20. If SED/DD Does Not Concur, Provide Reasons:

21A. Signature of NRCS State/Area Conservationist For Technical Concurrence

Don Dillon

☒ Concur

☐ Do not concur

21B. Date Signed (MM-DD-YYYY)

05/03/13

PART D - MITIGATION PLAN

A Good Faith determination resulting in the reinstatement of USDA program benefits shall become effective after all required signatures in Part C are obtained and the producer signs the required mitigation plan.

22. Date mitigation plan was signed by the producer (MM-DD-YYYY):

3/15/2013

23A. Signature of NRCS Employee

Don Dillon

23B. Date Signed (MM-DD-YYYY)

3/15/13

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2000 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 8410, Washington, DC 20260-8410, or call toll-free at (866) 632-6002 (English) or (800) 677-8339 (TDD) or (800) 677-8642 (English Federal-relay) or (800) 848-6130 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.